



# **Headquarters Policy Flash**

**FLASH 2002-24**

DATE: July 26, 2002  
TO: Procurement Directors  
FROM: Office of Procurement and Assistance Policy, ME-61  
Office of Procurement and Assistance Management

SUBJECT: **Final Rule - Revisions of Patent Regulations Relating to the  
Department of Energy (DOE) Management and Operating (M&O)  
Contracts**

SUMMARY: This Policy Flash transmits a summary of a new Rule recently  
published in the Federal Register. The Rule is also attached to the  
Flash on the Professionals Homepage.

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**Final Rule - Revisions of Patent Regulations Relating to the  
Department of Energy (DOE) Management and Operating (M&O)  
Contracts**

A rule amending the Department of Energy Acquisition Regulation (DEAR) to improve the patent coverage relating to the Department's management and operating (M&O) contracts, was published on July 25, 2002.  
(67 FR 48568)

This rule finalized an interim final rule published on November 15, 2002.  
(65 FR 68932) In general the rule adapts patent-related clauses to subcontracting under M&O contracts, results in clauses stated in plain language, and provides a complete set of patent clauses for all varieties of M&O contracts.

Changes from the interim final rule were made to:

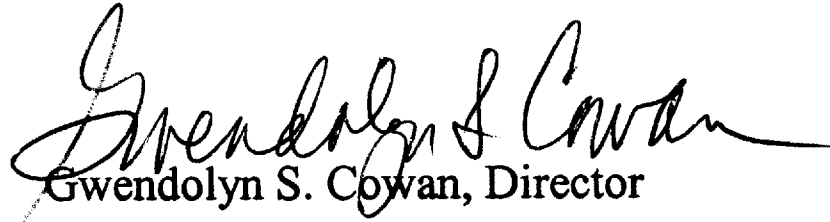
- ☐ implement two statutes that affect the Technology Transfer Mission clause at 970.5227-3.
- ☐ the clause at 970.5227-4, Authorization and Consent
- ☐ the clause at 970.5227-5, Notice and Assistance Regarding Patent and Copyright Infringement
- ☐ the clause at 970.5227-8, Refund of Royalties
- ☐ the last words of paragraph (b)(6) of the clause at 970.5227-10, Patent Rights-Management and Operating Contracts, Nonprofit Organizations or Small Business Firm Contractor
- ☐ paragraph (b)(9) of the clause at 970.5227-12, Patent Rights-Management and Operating Contracts, For-Profit Contractor, Advance Class Waiver; and
- ☐ refer to the National Nuclear Security Administration was made in the definition of "weapons related inventions" in Alternates I to the clauses at 970.5227-10 and -12.

The final rule also reflects a renumbering that occurred in the republication of DEAR Part 970. (65 FR 80994, Dec. 22, 2000)

The changes made by this final rule are effective August 26, 2002.

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For questions related to this Rule, please contact Bob Webb at  
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Gwendolyn S. Cowan, Director

cc:  
PPAG Members